

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JAMES MORRIS JACKSON,

Plaintiff,

vs.

STEPHEN E. KNIGHT,

Defendant.

CASE NO. 08-CV-01484-H
(BLM)

ORDER DENYING MOTION
FOR LEAVE TO PROCEED IN
FORMA PAUPERIS ON
APPEAL

Plaintiff James Morris Jackson filed a notice of appeal and a motion for leave to appeal *in forma pauperis* (“IFP”) on February 9, 2009. (Doc. Nos. 18, 19.) Plaintiff was granted IFP status on October 29, 2008. (Doc. No. 9.) Normally, when a litigant is granted leave to proceed IFP by the district court, this status carries over in the Court of Appeals. FED.R.APP.P. 24(a). However, if the district court certifies that the appeal is not taken in good faith, the litigant must reapply to the Court of Appeals to proceed IFP on appeal. 28 U.S.C. § 1915(a); FED.R.APP.P. 24(a). The Court dismissed without leave to amend Plaintiff’s complaint for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B). (Doc. No. 9 at 8.) Because the Court concluded that any amendment of Plaintiff’s complaint would be futile, the Court determines that this appeal is not taken in good

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1 faith. See 28 U.S.C. § 1915(a)(3). Therefore, the Court denies Plaintiff's motion for leave to
2 proceed IFP on appeal.

3 **IT IS SO ORDERED.**

4 DATED: February 11, 2009



Marilyn L. Huff

5 MARILYN L. HUFF, District Judge
6 UNITED STATES DISTRICT COURT
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8 COPIES TO:
9 All parties of record.
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